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Defendant.

ORDER
(Motion to Reconsider—#50)

Under Rule 60(b), a court may relieve a party from a final judgment, order or proceeding only for: (1) mistake, inadvertence, surprise or excusable neglect; (2) newly discovered evidence; (3) fraud; (4) the judgment is void; (5) the judgment has been satisfied; or (6) any other reason justifying relief from the judgment. A motion for reconsideration is properly denied when it

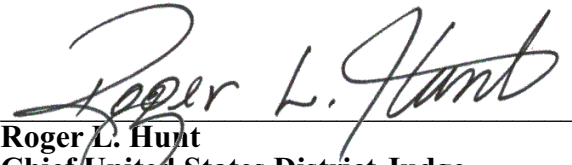
1 presents no arguments that were not already raised in its original motion. *See Backlund v. Barnhart*,
2 778 F.2d 1386, 1388 (9th Cir. 1985).

3 Motions for reconsideration are not “the proper vehicles for rehashing old argu-
4 ments,” *Resolution Trust Corp. v. Holmes*, 846 F.Supp. 1310, 1316 (S.D.Tex. 1994)(footnotes
5 omitted), and are not “intended to give an unhappy litigant one additional chance to sway the
6 judge.” *Durkin v. Taylor*, 444 F.Supp. 879, 889 (E.D. Va. 1977).

7 Defendant Cruz does not establish any of the above bases necessary for this Court to
8 reconsider its prior decision. The arguments may be restated or expanded, but they are the same
9 arguments made in the original motion.

10 IT IS THEREFORE ORDERED that Defendant Cruz’s Motion to Reconsider (#50)
11 is DENIED.

12 Dated: November 23, 2010.

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15 **Roger L. Hunt**
16 **Chief United States District Judge**
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